

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**JASON SCOTT CLARK,**

Plaintiff,

v.

**JAMES SPERA, *et al.*,**

Defendants.

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Civil Action No. **3:24-CV-2553-L-BK**

**ORDER**

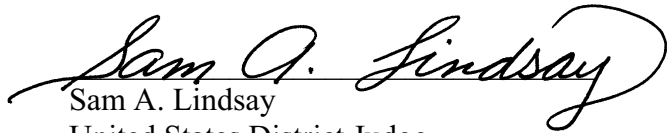
On March 14, 2025, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) was filed, recommending that the court: (1) stay and administratively close this case with respect to Plaintiff’s request for money damages related to his allegedly wrongful arrest and search and seizure pending resolution of his state court criminal proceedings; and (2) dismiss all remaining claims by him as frivolous because violations of *United States v. Miranda*, 248 F.3d 434 (2001), are not actionable under 42 U.S.C. § 1983; his false imprisonment claim is foreclosed; and there is no private right of action under the two federal statutes on which he relies. As these claims are infirm for the reasons stated, the magistrate judge further recommends that Plaintiff not be allowed to amend his pleadings as to these claims despite his pro se status. No objections to the Report were filed, and the deadline for doing so has expired.

Having reviewed the pleadings, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, with respect to Plaintiff’s request for money damages related to his allegedly wrongful arrest and search and seizure, the court **stays** the proceedings in this case and **directs** the clerk of the court to **administratively close** the action. Plaintiff’s remaining claims are **dismissed**

**with prejudice**, and Plaintiff will not be allowed to amend his pleadings as to these claims. Further, Plaintiff **shall** file a motion to reopen the case within **60 days** after entry of judgment or an order of dismissal in his state criminal cases (Hunt County Case Nos. 35338-CR, 11C240722, and 11C240721). *Failure to do so will result in the dismissal without prejudice of this action for failure to prosecute or comply with a court order under Federal Rule of Civil Procedure 41(b).*

The court also prospectively **certifies** that any appeal of this order would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on the Report, the court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

**It is so ordered** this 23rd day of May, 2025.

  
Sam A. Lindsay  
United States District Judge